

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jan 07, 2010

FILED
CLERK'S OFFICE

IN RE: NATIONAL ASSOCIATION OF MUSIC
MERCHANTS, MUSICAL INSTRUMENTS
AND EQUIPMENT ANTITRUST LITIGATION

09md2121-LAB(POR)

MDL No. 2127

(SEE ATTACHED SCHEDULE)

09cv 2178 BTM(CAB)
09cv 2211 LAB(POR)
09cv 2267 LAB(POR)
09cv 2285 LAB(POR)
09cv 2332 LAB(POR)

**ORDER DEEMING MOTION MOOT
AND VACATING THE JANUARY 27, 2010, HEARING SESSION**

Before the Panel is a motion by plaintiffs Walter Witherspoon dba Racy Brothers Enterprizes and Lil Walt Production seeking centralization, pursuant to 28 U.S.C. § 1407, of the actions on the attached Schedule A in the Southern District of California for coordinated or consolidated pretrial proceedings.

On December 9, 2009, the Panel transferred some of the actions on Schedule A to the Southern District of California for Section 1407 coordinated or consolidated pretrial proceedings in *IN RE: Musical Instruments and Equipment Antitrust Litigation*, ___ F.Supp.2d ___, 2009 WL 4755689 (J.P.M.L. Dec. 9, 2009). On December 15, 2009, a conditional transfer order was filed in MDL No. 2121 transferring the remaining actions on Schedule A pending outside the Southern District of California for inclusion in MDL No. 2121. In the absence of any opposition to the proposed transfer, the stay of transmittal was lifted on December 30, 2009. Accordingly, all actions now on Schedule A were originally filed in, or have been transferred to, the Southern District of California, thus depriving MDL No. 2127 of its multidistrict character.

IT IS THEREFORE ORDERED that the MDL No. 2127 motion for transfer under 28 U.S.C. § 1407 is DEEMED MOOT.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on December 17, 2009, are VACATED insofar as they relate to this matter.

FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

**IN RE: NATIONAL ASSOCIATION OF MUSIC
MERCHANTS, MUSICAL INSTRUMENTS
AND EQUIPMENT ANTITRUST LITIGATION**

MDL No. 2127

SCHEDULE A

Central District of California

Allen Hale v. Guitar Center, Inc., et al., C.A. No. 2:09-6897
Mark O'Leary v. Guitar Center, Inc., et al., C.A. No. 2:09-7015
Niranjan Parikh v. Guitar Center, Inc., et al., C.A. No. 2:09-7254
Kate MacWilliamson v. Guitar Center, Inc., et al., C.A. No. 2:09-7375
Agustin Cervantes v. Guitar Center, Inc., et al., C.A. No. 2:09-7526
William S. Poff, Jr. v. Guitar Center, Inc., et al., C.A. No. 2:09-7614

Southern District of California

David Giambusso v. National Association of Music Merchants, Inc., et al.,
C.A. No. 3:09-2002
Colby Giles v. Guitar Center, Inc., et al., C.A. No. 3:09-2146
Rory W. Collins v. Guitar Center, Inc., et al., C.A. No. 3:09-2151
David Keel v. Guitar Center, Inc., et al., C.A. No. 3:09-2156
Walter Witherspoon, et al. v. National Association of Music Merchants, Inc., et al.,
C.A. No. 3:09-2178
Joshua Ramsey, et al. v. National Association of Music Merchants, Inc., et al.,
C.A. No. 3:09-2211
Cynthia Sepulveda v. Guitar Center, Inc., et al., C.A. No. 3:09-2267
Jason Paradise v. National Association of Music Merchants, Inc., et al., C.A. No. 3:09-2285
Alex Bohl v. National Association of Music Merchants, Inc., et al., C.A. No. 3:09-2332

District of District of Columbia

Kenneth Manyin v. Guitar Center, Inc., et al., C.A. No. 1:09-1950

Northern District of Illinois

Alex Teller v. Guitar Center, Inc., C.A. No. 1:09-6104